

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                               |   |                        |
|-------------------------------|---|------------------------|
| In re Application of:         | ) |                        |
|                               | ) |                        |
| James F. BROWN et al.         | ) | Group Art Unit: 1641   |
|                               | ) |                        |
| Application No.: 10/798,857   | ) | Examiner: C. L. Chin   |
|                               | ) |                        |
| Filed: March 11, 2004         | ) |                        |
|                               | ) |                        |
| For: METHOD FOR DETECTING THE | ) | Confirmation No.: 7179 |
| PRESENCE OF A SINGLE TARGET   | ) |                        |
| NUCLEIC ACID IN A SAMPLE      | ) |                        |

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits along with the filing of a Request for Continued Examination under § 1.114 in the above-referenced application.

Copies of the U.S. patent documents on the attached listing are not enclosed. Copies of the foreign and non-patent literature documents on the attached listing are enclosed.

The following co-pending applications are brought to the attention of the Examiner:

U.S. Application No. 09/717,707 entitled "Homogeneous Methods for Nucleic Acid Amplification and Detection," filed November 20, 2000.

U.S. Reexamination Control No. 90/010,131 entitled "Homogeneous Methods for Nucleic Acid Amplification and Detection," filed March 31, 2008.

U.S. Reexamination Control No. 90/010,905 entitled "Instrument for Monitoring Nucleic Acid Amplification," filed March 10, 2010.

U.S. Application No. 12/794,353, entitled "Method and Apparatus of Performing Microassays," filed June 4, 2010.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The following remarks are provided regarding the non-English language document cited on the attached listing:

**Sasaki, Nobuya, "Development of High-throughput Polymerase Chain Reaction System and Its Performance," *Hokkaido J. Med. Sci.*, May 1997, Vol. 72, No. 3, pp. 249-259.** – An English language Abstract is provided on the first page of this document.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please  
charge the fee to our Deposit Account No. 50-4126.

Respectfully submitted,  
O'BRIEN JONES, PLLC

Dated: March 11, 2011

By: /Ashley N. Nicholls, Reg. No. 54, 361/  
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